

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)

Plaintiff,)

vs.)

Case No. 04-00021-01-CR-W-GAF

KEVIN D. HILKE,)

Defendant.)

ORDER

Now pending before the Court is defendant's Motion to Suppress Evidence (Doc. #41).

Defendant asserts that all evidence and testimony concerning items recovered from a search of the defendant on January 17, 2003, at 309 S. Pleasant, Independence, Missouri, as well as any and all oral statements that may have been made by defendant on or after that same date, should be suppressed on the ground that the search was in violation of defendant's rights pursuant to the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

On March 15, 2005, United States Magistrate Judge Sarah W. Hays conducted an evidentiary hearing on defendant's Motion to Suppress Evidence. On April 11, 2005, Judge Hays issued her Report and Recommendation.

Upon careful and independent review of the pending motion, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Sarah W. Hays.

Accordingly, it is hereby ORDERED that Defendant's Motion to Suppress Evidence (Doc. #41) is OVERRULED and DENIED.

SO ORDERED.

/s/ Gary A. Fenner
GARY A. FENNER, JUDGE
United States District Court

DATED: April 27, 2005